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LOS ANGELES TIMES
 4 April, 1985

Spy Suspects Hunted KGB Defector, U.S. Papers Say

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Two accused Soviet agents charged with espionage in the Richard W. Miller spy case were attempting to track down a high-ranking Soviet KGB defector about the same time they were becoming involved with Miller, according to newly released government documents.

The purported effort to locate the Soviet defector was described by Assistant U.S. Atty. Bruce G. Merritt as an "essential" element in the government's effort to prove that Svetlana Ogorodnikova and her husband, Nikolai Ogorodnikov, were agents of the Soviet Union.

Merritt said their attempt to locate former Soviet KGB official Stanislav Levchenko would have been a "typical" assignment for an agent in the Russian emigre community and "is totally inconsistent with the notion that the Ogorodnikovs were in fact working for the FBI."

Levchenko, 42, was a former major in the Soviet KGB who ran a spy network in Japan from 1975 until 1979, when he defected to the United States. He subsequently told U.S. officials that under the guise of being a Soviet magazine reporter he ran a spy ring of 200 Japanese agents, providing the Soviet Union with regular access to sensitive Japanese security issues.

The Ogorodnikovs allegedly tried to locate Levchenko under the pretext that a female friend wanted to file a paternity suit against him. U.S. officials have said he has been marked for death by the Soviet KGB because of his status as a defector.

Opening Arguments Delayed

Opening arguments in the trial of the Ogorodnikovs were to have been made this week, but were delayed for another week because of continuing closed hearings before U.S. District Judge David V. Kenyon on the national security aspects of the case.

Sources close to the case said there have been recent talks between defense attorneys and government prosecutors about a possible plea-bargain arrangement involving the Ogorodnikovs, but they noted that the possibility of a settlement has been discussed before without result.

A gag order on press comment issued last month by Kenyon prevented defense and government lawyers from discussing the plea-bargain talks publicly Wednesday. But both sides indicated privately that they expect the trial to proceed without a plea-bargain agreement.

Kenyon ruled last week over the protests of defense attorneys that the government could introduce evidence of the Ogorodnikovs' attempt to locate Levchenko, along with other alleged pro-Soviet activities involving the Russian couple, to show a "pattern" of such behavior before their involvement with Miller.

Attorneys for Ogorodnikova, 34, have described her as a former FBI informant who thought that she was helping the United States by going along with the suggestions of Miller, 48, a former counterintelligence agent in the Los Angeles office of the FBI. She is accused of conspiring with her husband to obtain secret government documents from Miller on behalf of the Soviet Union.

While the government had described the alleged attempt by the Ogorodnikovs to locate Levchenko in earlier papers, the new documents released

Wednesday provided the most detailed comment on the government's view of the significance of the effort.

Merritt, who is prosecuting the case with Assistant U.S. Atty. Richard B. Kendall, said the government will offer evidence at trial from Santa Monica attorney Donald Levinson that he was approached by the Ogorodnikovs about the end of May, 1984, and asked to locate Levchenko.

"Levinson was told that an unidentified friend of the Ogorodnikovs wished to locate Levchenko in order to file a paternity suit against him," Merritt said, noting that Levinson made no actual effort to find Levchenko.

In discussing the importance of Levinson's testimony about Levchenko, Merritt focused on Nikolai Ogorodnikov, 52, who has been portrayed by defense lawyers as a relatively uninvolved character in the various intrigues that involved his wife and Miller.

"Nikolai telephoned Levinson at his office and told him he had something very serious which he would not talk about on the telephone," Merritt said. "Levinson went to the Ogorodnikov apartment (in Hollywood) but Ogorod-

nikov would not even discuss the matter in the apartment and insisted upon talking to Levinson about it as they walked up and down the streets of the neighborhood."

The government will offer expert testimony at the Ogorodnikov trial that conducting such conferences in an open-air environment is an espionage technique that substantially reduces the possibility of electronic surveillance, Merritt continued.

Defense Claims

Focusing on defense claims that testimony about pro-Soviet activities would prejudice a jury against the two Russians, Merritt called the evidence "essential to a just determination of this matter because it sheds light on the murkiest and most disputed issue in this case: the defendants' state of mind."

The prosecutor said that pro-Soviet activities by the Ogorodnikovs also involved earlier trips to the Soviet Union and the photographing of anti-Soviet demonstrators in Hollywood. He said the evidence demonstrates "a clear motive for the Ogorodnikovs' conduct and virtually eliminates the possibility that Svetlana Ogorodnikova thought she was working for the FBI."